

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, November 5, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Cory Rhoades, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Paul Beaulieu, Kathy D'Addesio, George Giunta, Jr., Shirley Klepadlo, Tom Lambert, Jorge Oslan

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

MINUTES:

Motion to approve the Meeting Minutes of October 8, 2015, as revised, by S. Soltzberg, seconded by S. Farr, approved 5-0-0

ENFORCEMENT & VIOLATION UPDATES

10-16 CHARLES STREET

M. Varrell stated that he had sent an email to the property owner, Kathleen Powers, to tell her that the Commission would be discussing the violation at the meeting and asking if she has any update on when the work would begin. She responded that the original OOC had been lost by the employee that was handling the matter and it took some difficulty to get it back. She stated she had just received it earlier in the day and planned on recording it at the Registry of Deeds. Once that is done the contractor will file for his Permits and work will commence.

The Commission discussed how at the previous meeting, they had expressed growing impatience that the project had not begun and may consider imposing fines if substantial progress was not made by the November 5, 2015 Conservation Commission Meeting. M. Varrell did express the Commission's stance in his email to Ms. Powers.

The Commission discussed imposing fines up to \$200/day. M. Varrell had drafted an Enforcement Order for the Commission to review. The Commission's decision is to give the owner until November 12, 2015 to submit a copy of the proof of recording from the Registry of Deeds and set up a pre-construction meeting on-site with M. Varrell. As of November 12, 2015, if the owner has not complied, the Commission will begin imposing fines up to \$200/day until a pre-construction meeting is scheduled.

Motion to issue an Enforcement Order for 10-16 Charles Street by S. Soltzberg, seconded by S. Farr, approved 5-0-0.

Motion to issue fines up to \$200/day beginning on November 12, 2015 if the owner has not submitted proof of recording the Order of Conditions and set up a pre-construction on-site meeting with M. Varrell by A. Richardson, seconded by S. Farr, approved 5-0-0.

945 WEBSTER STREET

D. Anderson reported that she had received a phone call from an abutter to 945 Webster Street stating the builder was placing fill over the erosion controls. D. Anderson stopped at the site and found the builder had indeed placed fill over the erosion control/limit of work line. The builder, Mr. Lambert, was present. D. Anderson requested they try and pull back as much fill as possible from over the erosion controls.

D. Anderson stopped at the site the next day and noted that they had pulled back a substantial amount of fill, as requested. Mr. Lambert admitted this was his fault. J. Carter Bernardo explained that the Commission will require the limit of work line to be re-set and held. Originally they were planning to remove the shed from the 25-foot Buffer Zone but thought that leaving it in place may cause less damage. The erosion control/limit of work line was in that location strictly for the removal of the shed. J. Carter Bernardo stated they should now pull the erosion control line back to the 25-foot Buffer Zone. The trees can still be planted by hand in the 25-foot Buffer Zone. The Commission requested that the builder install an additional sock at the limit of the exposed soil.

C. Rhoades questioned whether the proposed removal of the shed from the 25-foot Buffer Zone was supposed to be a benefit to the wetland that is now not going to happen. M. Varrell stated that as long as the proposed trees were installed, the shed remaining is not an issue. M. Varrell mentioned that significant rain is forecast for the weekend and Mr. Lambert should install the required erosion controls as soon as possible.

HEARINGS

LINDEN STREET/CYPRESS STREET – *continued* NOTICE OF INTENT (DEP FILE #234-741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: Paul Beaulieu from Field Resources, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ❑ Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.

J. Carter Bernardo opened the public hearing at 7:55 p.m.

P. Beaulieu submitted the Final Subdivision plans approved by the Planning Board. P. Beaulieu stated that he was unable to attend the previous hearing but understands the abutters were present and had questions regarding the drainage. He explained they are proposing drainage in the street to alleviate existing flooding problems. J. Carter Bernardo reminded P. Beaulieu that at the last meeting the Commission had requested that additional stormwater calculations be submitted. P. Beaulieu stated that he had submitted the information at that same meeting. J. Carter Bernardo stated that she did receive a complete stormwater package.

P. Beaulieu stated that he had heard there were questions regarding the capacity of a pipe in the street but this topic was not addressed by the Town Engineer during his review. J. Carter Bernardo explained that some of the abutters had been told not to tie-in to the Town's drainage in the street because the pipe is undersized. J. Carter Bernardo stated that she could have a conversation with the Town Engineer regarding the pipe and its capacity. P. Beaulieu went over watershed information. A. Richardson added that the neighborhood has a very high water table. P. Beaulieu stated that during meetings with the Town DPW and Engineering personnel, he was told that the pipe in Linden Street was not at capacity. J. Carter Bernardo explained that she had talked with the Town Building Commissioner, David Roche, regarding what he is requiring for infiltration. J. Carter Bernardo said she was told that applicants must first attempt to infiltrate on-site and if that is not possible then they can tie-in to the Town drain. P. Beaulieu expressed that really the Engineering Department has the final say as far as tying-in to the drain.

J. Carter Bernardo stated that as long as the Linden Street pipe has capacity and the Applicant is adding the catch basins then she is okay with it. She will check with the Town Engineer to confirm this is the case. M. Varrell stated that in the Notice of Intent Application that was submitted, the box stating the project is subject to the Stormwater Management Policy was checked off, however; the Stormwater Report does not include the DEP Stormwater Checklist and does not explain how the project meets the ten (10) standards. M. Varrell stated it is the Applicant's responsibility to provide the completed Checklist, not the Commission's responsibility to dig through the information submitted to find the answers. M. Varrell suggested the Applicant needs to submit clearer information a week or two prior to the meeting for the Commission to review that way the Commission can ask very specific questions to the Applicant. J. Carter Bernardo stated that she wants to be able to review all the information that the other applicable Boards were able to review so she can get a sense of the project as a whole instead of bit by bit.

P. Beaulieu stated he would double check what was submitted to the other Boards and provide Conservation with anything not already submitted. He will add a note to the Catchment Plan regarding A1 and A2. The Stormwater Checklist with the ten (10) Standards addressed will need to be submitted and stamped by a Professional Engineer. J. Carter Bernardo stated that she would not be present at the next scheduled Conservation Meeting and would like to be in attendance when they come back before the Commission. M. Varrell requested the information be submitted via PDF as well as paper copies. He also asked that P. Beaulieu make sure everything is being submitted to DEP as well.

Motion to continue the public hearing for LINDEN STREET/CYPRESS STREET (DEP FILE #234-741) to December 10, 2015 at 7:45, for submittal of additional information, by C. Rhoades, seconded by S. Farr, approved 5-0-0.

30 WAYNE ROAD – NOTICE OF INTENT (DEP FILE #234-745)

Applicant: Gennady Agranovich

Project: Restoration of an altered intermittent stream and associated lawn-vegetated wetlands and drainage improvements.

Present for the Applicant: No one

Supporting Documents include:

- ❑ Notice of Intent and supporting documents, received October 8, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received October 8, 2015
- ❑ Plan entitled: "Proposed Conditions Site Plan, 30 Wayne Road, Needham, Massachusetts," prepared by Dellorco & Associates, dated October 5, 2015, stamped by Anthony M. Dellorco, P.L.S. No. 34303 and Tsung Ting Chiang, P.E. No. 23891

J. Carter Bernardo opened the public hearing at 8:00 p.m.

The Hearing was continued for the Applicant to provide them with a revised Plan showing the revisions to the drainage system as requested. J. Carter Bernardo stated that the revisions the Commission had requested were completed on the revised Plan that had been submitted.

Motion to close the Public Hearing for 30 Wayne Road (DEP File #234-745) by A. Richardson, seconded by S. Farr, approved 5-0-0

Motion to issue the Order of Conditions for 30 Wayne Road (DEP File #234-745) by C. Rhoades, seconded by S. Farr, approved 5-0-0

Motion to approve the Waiver for work in the 25-foot Buffer Zone by S. Farr, seconded by S. Soltzberg, approved 5-0-0

OTHER BUSINESS

INFORMAL PROJECT DISCUSSION – 564 CENTRAL AVENUE (DEP FILE #234-464)

M. Varrell explained that the homeowner had planned to come to the meeting and discuss a proposed modification to the drywell installation required in her Wetlands Permit but has since resigned herself to installing the drywells, as required.

MWRA VEGETATION REMOVAL

M. Varrell reported that the MWRA informed them via mail that they will be conducting vegetation management in the Babson College area on the aquaduct. M. Varrell stated it is not an issue and has conducted a site visit but wanted the Commission to know about the work. The majority of the work is outside the Commission's jurisdiction and the one small area in jurisdiction would be considered an Exempt Activity.

13 HIGHLAND CIRCLE – REQUEST FOR DEAD TREE REMOVAL

M. Varrell wanted to run the proposed work by the Commission before approving it. The owner would like to remove dead trees along the Charles River. A report by an arborist that was submitted is more of a cost estimate to remove the trees rather than a report on their health. One tree appears to be a safety hazard and M. Varrell granted permission for its immediate removal. A total of four (4) trees are proposed for removal. The Commission was okay with the proposed tree removal.

SPECTRE ENERGY FOR ALGONQUIN GAS NOTICE

M. Varrell stated that an electronic notice and report were sent to him regarding the Atlantic Bridge Project. All the work associated with it is contained within a building and will not affect any resource areas.

HOCKEY GROUP REQUEST TO INSTALL A MEMORIAL NEAR ROSEMARY POOL

A hockey group has contacted M. Varrell for permission to install a memorial to John Chambers, a long time hockey coach, including two (2) benches. Mike Duffy will be doing the installation. They plan to install it in an area off the parking lot across from Rosemary Pool. M. Varrell told them that as long as

they were not disturbing any soil they would not need a Permit from Conservation. The Commission agreed.

FULLER TRAIL – UPDATE

M. Varrell showed the Commission photos of the significant progress made on the Fuller Trail boardwalk project.

Motion to adjourn the meeting by S. Farr, seconded by A. Richardson, approved 5-0-0.

The meeting was adjourned at 9:10pm.

NEXT PUBLIC HEARING

Thursday, December 10, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.